

REMARKS

Claims 15, 17-24, 31 and 32 were pending when last examined. With this Response, Applicants have amended claims 15, 18, 20, and 22-24. No new matter has been added. Support for the amendment can be found at least in FIG. 1 and the corresponding description in the specification.

Claim Rejections – 35 USC § 103

Claims 15, 18-24, 31, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto in view of Kiewit. Applicants respectfully traverse the rejections.

Claim 15, as amended, recites a method for processing user history data. The method includes, in part, storing a hierarchical data structure for describing user history. The hierarchical data structure includes a user information element and first and second user action history parts as respective first and second structural elements at the same level of the hierarchical data structure. The user information element includes information to identify a user and the first and second user action history parts include respective first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier. The references cited by the Examiner, however, lack such a data structure.

Ozer, for example, discloses only a single list of viewing events, where each event in the list has a respective Program ID. Ozer at col. 11:47-61. In contrast, the claimed hierarchical data structure has two separate, first and second user action history parts as respective first and second structural elements at the same level of the hierarchical data structure. The first user action history part has a first list of user action items for describing a first aspect of the user's multimedia consumption, and the second user action history part has a second list of user action items for describing a second aspect of the user's multimedia consumption, wherein each user action item in the first and second lists includes a respective

program identifier. Thus, Ozer fails to disclose or suggest the claimed hierarchical data structure that includes two separate, first and second lists of user action items at the same level of the hierarchy. Dedrick, Del Sesto and Kiewit are also lacking.

Furthermore, as discussed in the Amendment of October 29, 2007, there is no motivation to combine and modify these references to provide the claimed subject matter. *See* Amendment of October 29, 2007, at 8 and 9.

Because the cited references fail to disclose or suggest at least the claimed hierarchical data structure, no prima facie obviousness has been established and claim 15 should be allowed. Claims 18-21, 31 and 32 depend from claim 15 and are allowable for at least the same reasons.

Claim 22, as amended, recites a hierarchical data structure that is similar to that discussed above with reference to claim 15. Thus, claim 22 is allowable for at least the same reasons as claim 15. Claims 23 and 24 depend from claim 22 and are allowable for at least the same reasons.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto in view of Kiewit, and further in view of CIDF Website. Applicants respectfully traverse the rejection.

Claim 17 depends from claim 15 and incorporates by reference all of its limitations. As discussed above, Ozer, Dedrick, Del Sesto, and Kiewit lack the claimed hierarchical data structure. The CIDF Website is also lacking. Thus, claim 17 should be allowable.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

No additional fees are required for this amendment. However, the Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-1597.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/3/08

Date

Richard A. Pask

Signature

Respectfully submitted,



By:

Ferenc Pazmandi
Agent of Record
Reg. No. L0078
FP/rp

July 3, 2008

SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104-1715
Currently amended(415) 772-1200